

REMARKS

Claims 1 – 3, 11, 12, 23 – 31, 39, 40, 51 – 59, 67 – 72, and 80 – 82 are now pending in the present application. Claims 1, 2, 3, 11, 12, 29 – 31, 39, 40, 57 – 59, and 70 – 72 have been amended. Claims 4 – 10, 13 – 22, 32 – 38, 41 – 50, 60 – 66, and 73 – 79 have been cancelled.

Claims 1 – 82 stand rejected under 35 U.S.C. § 112, second paragraph, as being allegedly indefinite. Independent claims 1, 29, 57, and 70 have been amended in a manner consistent with the Examiner's suggestions. Claims 13, 14, 16, 18, 42, 44, and 46 have been cancelled rendering this rejection moot. Accordingly, reconsideration and withdrawal of this rejection are respectfully requested.

Claims 1 – 28 and 57 – 82 stand rejected under 35 U.S.C. § 101 as being allegedly directed to non-statutory subject matter. Applicants submit that a method of computer modeling is clearly statutory subject matter. It is useful, it is concrete in that it exists on the computer system, and it does provide a tangible result in the model itself. Clearly computer modeling possesses a certain level of "real world" value. Such models are widely used in manufacturing. Computer models are much more than an idea or concept. The disclosure does contain a clear indication of the practical application of the claimed method of computer modeling. Regarding claims 70 – 82, claim 70 has been amended to more clearly recite tangible subject matter. In view of the foregoing, reconsideration and withdrawal of this rejection is respectfully requested.

Claims 1, 29, 57, and 70 stand provisionally rejected under the doctrine of obviousness-type double patenting, as being unpatentable over claims 1, 19, 37, and 38 of copending Application No. 10/355,749. A terminal Disclaimer obviating this rejection is filed herewith.

Claims 1, 2, 13 – 22, and 29 – 82 stand rejected under 35 U.S.C. § 102(b) as being

allegedly anticipated by Solid Edge V6 User's Guide. Claims 4 – 10, 13 – 22, 32 – 38, 41 – 50, 60 – 66, and 73 – 79 have been cancelled. Independent claims 1, 29, 57, and 70 have been amended to recite generally (1) adding form features to a model, (2) establishing an exclusive parent/child relationship between a set of reference planes and each of the form features, and (3) *acting on at least one of the form features without affecting other of the form features*, emphasis added. The Solid Edge V6 User's Guide reference states "You begin the modeling process in Solid Edge by constructing a base feature (A). You then complete the model by adding material (B) or removing material from (C) the previous feature.", see page 28. Further, "Reference elements are planes and axes used to define extents, centerlines, and so forth.", see page 29. Also, "The first part you place into an assembly is important. It serves as the foundation upon which the rest of the assembly will be built. ... the first part is place grounded

... the first part you place should remain grounded and not deleted", see page 157. Further, "To add the second part to an assembly, you must use assembly relationships to position it relative to the first part.", see page 157. Pages 167 – 173 discuss part reference plans, which aid in positioning one part relative to another. Lastly, "To fully control one part in relation to the other parts in an assembly, you must use a combination of assembly relationships ...", see page 178.

From the Solid Edge V6 User's Guide, it does not appear that added parts are associated with the same planes that the base part is grounded with, rather that the added parts are positioned with respect to the base part itself using reference planes local to that feature. Accordingly, the base part and the added parts (1) do not have an exclusive parent/child relationship between *a set of reference planes and each of the parts* and (2) *acting on at least one of the parts will affect other parts*. The Solid Edge V6 User's Guide method appears to be similar to the prior art method described in the present application. Establishing an exclusive parent/child relationship between a set of reference planes and each of the form features (parts) and *acting on at least one of the form features (parts) without affecting other of the form features (parts)*, as recited in claim 1, is not taught or suggested by Solid Edge V6 User's Guide.

In view of the foregoing, applicants submit that claims 1, 2, 29 – 31, 39, 40, 51 – 59, 67 – 72, and 80 – 82 are not anticipated by Solid Edge V6 User's Guide, whereby

reconsideration and allowance thereof are respectfully requested.

Claims 57 – 82 stand rejected under 35 U.S.C. § 102(f) as being not being invented by the applicants. The computer routines or programs developed by applicants allow for a novel method of modeling. Applicants have not claimed to invent a new computer language, but rather certain routines or programs that operate in existing domains. A storage medium having such routines stored thereon is novel. For at least all of the reasons set forth herein, these routines or programs do exist in the existing CAD/CAM systems. Accordingly, applicants respectfully request reconsideration and withdrawal of this rejection.

Claims 3 – 12 and 23 – 38 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Solid Edge V6 User's Guide. Claims 3, 11, 12, 23 – 31 should be allowable as depending from what should now be allowable independent claims, as set forth above. Accordingly, reconsideration and allowance of these claims are respectfully requested.

Accordingly, as the cited references in the Office Action neither anticipate nor render obvious that which the applicant deems to be the invention, it is respectfully requested that claims 1, 5, 6, 7, 11 and 12 be passed to issue.

It is believed that the foregoing remarks fully comply with the Office Action. Therefore, having traversed the Examiner's rejections, reexamination and allowance of claims 1 – 3, 11, 12, 23 – 31, 39, 40, 51 – 59, 67 – 72, and 80 – 82 are respectfully requested.

If there are any additional charges with respect to this Amendment or otherwise,
please charge them to Deposit Account No. 06-1130 maintained by Applicant's attorney.

Respectfully submitted,

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